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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,419	10/06/2004	Mario Bartholoma	SMB-PT114	1510
3624	7590	10/10/2006		
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER MARTINO, MICHAEL N	
			ART UNIT 3679	PAPER NUMBER

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/510,419

Applicant(s)

BARTHOLOMA ET AL.

Examiner

Michael N. Martino

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/6/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because "retaining projections 7a", described in paragraph 0041 on page 9, line 13 of the specification are not identified on any of the drawings as there is found no reference numeral 7a thereon.

Also, the cross-hatching symbols are now shown to indicate that all parts of the fitting are metallic. Is this intended? See MPEP §608.02IX for proper drawing symbols.

Furthermore, all the reference numerals and leader lines are hand drawn and, as such, not befitting the quality of the drawings to which they refer, as if the draftsman and the specification writer were not collaborating in this application.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

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examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

On page 3, paragraph 0014 is not well written and difficult to understand as a result.

Also on page 4, the last sentence of paragraph 0016 is awkward and unclear. What is a “nearly arbitrarily large radial extent”?

Furthermore, move “DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS” from page 8, before paragraph 0039 where it is presently, to head the section starting on page 7 before paragraph 0032 instead.

Moreover, as mentioned in paragraph 1 above, reference numeral 7a of paragraph 0041 on page 9, line 13 is not shown on any of the drawings. Should it be called out in the specification? This first sentence here is a run-on, and difficult to understand as a result.

Applicant is reminded of the proper language and format for an abstract of the disclosure. On page 15, line 8 “radially outwardly expandable outwards in an insertion direction” could be better expressed.

Appropriate correction is required.

Claim Objections

3. Claim 5 is objected to because of the following informalities: "chuck (2)" in the fourth line is followed by "tensioning screw (2)" of the last line. Which is it? Or, are they one and the same? If so, say so in the detailed description. See also paragraph 5 below.

4. Claim 14 is objected to because of the following informalities: "according to one Claim 13" should read --according to Claim 13-- instead.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reference numeral (2) is used to describe both the chuck and a tensioning screw, making it indefinite. Please clarify.

7. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. An "opening" that is "closed" comprising an "opening" is indefinite. ~~Please use clear terms.~~

DPS

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7, 13, and 14 are hereby rejected under 35 U.S.C. 102(b) as being anticipated by Bartholoma et al (US PGPub 2002/0006309 A1).

10. Referring to the embodiment of Figs 6-8 therein, and regarding claim 1, Bartholoma et al teach a connector fitting (1) for fixing a longitudinal body, for example, a cable, a hose, a pipe, a corrugated hose, or the like, to an opening, especially to an opening or a perforation in a housing wall (4), wherein the connector fitting (1) comprises a chuck (9), which penetrates the opening (3) in a position of use and is provided with slits (as 6) that extend generally in an axial direction, said chuck comprising a thread located on a section (9a), which is arranged and remains in front of the opening, wherein the chuck radially expands outwards in an insertion direction behind the opening into a clamping region containing the slits (10), and can be tightened on an outer side or in front of the opening of the housing by the thread and a matching tensioning nut (11), such that the clamping region can be directly or indirectly, at least partially, withdrawn into the opening and thus braced against the longitudinal body (as seen in Fig 8), wherein the tensioning nut (11) comprises an abutment (23) acting in the axial direction and the chuck (9) comprises a counter-abutment (top end of 9) adjacent to the thread section and the counter-abutment exerts pressure on the

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abutment in a released position of the chuck (9). See also column 4, lines 48-50 of the summary regarding the abutment.

11. Regarding claim 2, Bartholoma et al teach a connector fitting according to claim 1, wherein a region of the chuck (9) bearing the counter-abutment covers the abutment (23) of the tensioning nut (11) in the axial direction on a side facing away from the housing (top of 9).

12. Regarding claim 3, Bartholoma et al teach a connector fitting according to claim 1, wherein the tensioning nut (11) comprises a sleeve-like extension (23) located adjacent the threads in the axial direction, within which the radially inwardly extending abutment (top of 9, best seen in Fig 8) is arranged.

13. Regarding claim 4, Bartholoma et al teach a connector fitting according to claim 3, wherein the abutment is arranged at an end of the internal thread of the tensioning nut (11) between the thread region and the sleeve-like extension (23).

14. Regarding claim 5, Bartholoma et al teach a connector fitting according to claim 3, wherein an axial dimension of the sleeve-like extension (23) is at least as large as an axial displacement path when the chuck (9) is tightened or larger, and that the counter-abutment (top of 9) located on the chuck (9) is also arranged for a tightened tensioning screw (see paragraph 6 above) of tensioning nut (11) within the sleeve-like extension (23).

15. Regarding claim 6, Bartholoma et al teach a connector fitting according to claim 1, wherein the counter-abutment is arranged on an end of the chuck (9) facing away from a tensioning region and is an annular piece which is connected to the chuck

(top end) and which axially covers the abutment (23) of the tensioning nut (11) in a position of use (best seen in Fig 8), said annular piece extending over at least a part of a circumference of the chuck (9) and the abutment (here shown over entire circumference).

16. Regarding claim 7, Bartholoma et al teach a connector fitting according to claim 6, wherein the counter-abutment formed as the annular piece (top of 9) is connected integrally with the chuck (9) or as a separate part, especially a sealing ring or O-ring, inserted into a groove at an end of the chuck. Though the separate part is not taught, it is here listed as optional, therefore the entire claim is anticipated by the integral piece.

17. Regarding claim 13, Bartholoma et al teach a connector fitting according to claim 1, wherein between the chuck (9) and the perforation edge there is a slotted connecting piece (5), which can be expanded by means of chuck (9) and which engages behind the perforation on an inside with retaining projections (8), where force can be exerted on an inside of the connecting piece by an outer side of the chuck (9).

18. Regarding claim 14, Bartholoma et al teach a connector fitting according to claim 13, wherein the connecting piece (5) engaging behind the perforation on the inside with retaining projections (8) is connected to the tensioning nut (11) by screw connection for adapting to various wall thickness values (see also column 2, lines 13-20 and column 6, lines 23-26 of the summary).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 8-12 are hereby rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholoma et al (US PGPub 2002/0006309 A1) as applied to claims 1-7, 13, and 14 above, and further in view of Post et al (US 5,626,493).

21. Regarding claim 8, Bartholoma et al teach a connector fitting according to claim 1, but do not teach that the counter-abutment on the chuck (9) comprises at least one finger extending radially over an outer circumference thereof and especially projecting tangentially, nor that on the abutment (23) of the tensioning nut (11) covering it in the position of use, a projection is provided extending in the axial direction, said projection contacting the finger in a circumferential direction for blocking rotational motion, though Post et al do. Referring to Fig 3 therein, Post et al teach at least one finger (70) extending radially over an outer circumference (4) with a projection (60) contacting each finger for blocking rotational motion. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the connector fitting of Bartholoma et al with the fingers and projections of Post et al for the purpose of blocking rotational motion.

22. Regarding claim 9, Bartholoma et al teach a connector fitting according to

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claim 1, but do not teach that the counter-abutment formed as finger is elastic and can be deflected for contact on the abutment projection elastically up to an inner wall of the sleeve-like extension, though Post et al do (see items 60 and 70, both of which are resilient/elastic, therefore deflect). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the connector fitting of Bartholoma et al with the elastically contacting finger/projections of Post et al for the purpose of allowing them to deflect while they pass in turning, then engage one another in a fixed annular space, thereby blocking rotational motion in the other direction.

23. Regarding claim 10, Bartholoma et al teach a connector fitting according to claim 9 as described in claim 1, but do not teach that the finger (70) is used as the counter-abutment nor that it extends diagonally or tangentially stands against a relative rotational direction of the outer thread of the chuck (9), though Post et al do (see how in Fig 3, surface 66 slides along 72 on a diagonal, and then in Fig 4 they stand tangentially against each other at 68 once engaged). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the connector fitting of Bartholoma et al with the diagonally extending fingers of Post et al for the purpose of tangentially standing against relative rotation of the chuck.

24. Regarding claim 11, Bartholoma et al teach a connector fitting according to claim 1, but do not teach that the projection standing at a distance opposite the abutment in the axial direction is arranged at a diameter, which is smaller than a diameter of the circle, at which an outer free end of the abutment finger is located, though Post et al do (see different diameters of 60 and 70 in Figs 3 or 4). It would have

been obvious to one of ordinary skill in the art at the time of the invention to provide the connector fitting of Bartholoma et al with projections/abutments of different diameters for the purpose of passing then engaging, thus locking and blocking rotation in the other direction at a given desirable point in its operation.

25. Regarding claim 12, Bartholoma et al teach a connector fitting according to claim 1, but do not teach that a contact side of the projection extends steeply, especially somewhat axially, and a border of the projection facing away from the contact side extends diagonally, though Post et al do (see the angle between 76 and 72 of finger 70 or between 66 and 68 of projection 60, one construed as steep, the other as diagonal). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the fitting of Bartholoma et al with the specially shaped projection/finger of Post et al for the purpose of preventing separation of the chuck and nut while demounting the fitting from the wall.

26. Claims 15 and 16 are hereby rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholoma et al (US PGPub 2002/0006309 A1) as applied to claims 1-7, 13, and 14 above, and further in view of Rubright (US 3,654,382).

27. Regarding claim 15, Bartholoma et al teach a connector fitting according to claim 1, but do not teach that an opening of the sleeve-like extension (between 23 and fitting axis) is closed on a side facing away from the housing by a seal, which comprises an opening for the longitudinal body, though Rubright does (see 2 and 6 of Figs 2 or 3). It would have been obvious to one of ordinary skill in the art at the time of the invention

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to provide the fitting of Bartholoma et al with the seal of Rubright for the purpose of preventing dust and moisture from entering the fitting.

28. Regarding claim 16, Bartholoma et al teach a connector fitting according to claim 1, but do not teach that the chuck includes clamping fingers and at least one of the clamping fingers of the chuck comprises a pushing element formed on an outer side, said pushing element preventing co-rotation of the chuck with the tensioning nut through intermeshing with slits of a connecting piece when the chuck is tightened, though Rubright does (see Figs 2-4, items 12 and 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the fitting of Bartholoma et al with the clamping fingers (12) and pushing element (18) of Rubright for the purpose of preventing corotation of the chuck with the tensioning nut when the chuck is tightened.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael N. Martino whose telephone number is 571-272-7480. The examiner can normally be reached on 7:00am to 3:30pm, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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MNM

Michael N. Martino
13 September 2006

Daniel P. Stodola

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